

FORM PTO-1390
(REV 10-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

3869-24

U.S. APPLICATION NO. (If known, see 37 CFR 1.51)
To Be Assigned **09/936854**

INTERNATIONAL APPLICATION NO.
PCT/AU00/00411

INTERNATIONAL FILING DATE
05 May 2000

PRIORITY DATE CLAIMED
06 May 1999

TITLE OF INVENTION

CONTROL OF SUPPLIED PRESSURE IN ASSISTED VENTILATION

APPLICANT(S) FOR DO/EO/US

BERTHON-JONES, Michael et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).
4. ☒ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 16 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Copy of the International Preliminary Examination Report;
Copies of the References cited in the Information Disclosure Statement (3 items);
Return Receipt Postcard

202070 4589660

U.S. APPLICATION NO. 09/936804
To Be Assigned

INTERNATIONAL APPLICATION NO.
PCT/AU00/00411

ATTORNEY'S DOCKET NUMBER
3869-24

17. ☒ The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :

Neither international preliminary examination fee (37 CFR 1.482)
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO
and International Search Report not prepared by the EPO or JPO \$1000.00
International preliminary examination fee (37 CFR 1.482) not paid to
USPTO but International Search Report prepared by the EPO or JPO \$860.00
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but
international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00
International preliminary examination fee paid to USPTO (37 CFR 1.482)
but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00
International preliminary examination fee paid to USPTO (37 CFR 1.482)
and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

CALCULATIONS PTO USE ONLY

\$ 1000.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	44 - 20 =	24	X \$18.00
Independent claims	6 - 3 =	3	X \$80.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00

\$ 432.00

\$ 240.00

\$ 270.00

TOTAL OF ABOVE CALCULATIONS =

\$ 1,942.00

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above
are reduced by 1/2.

\$

SUBTOTAL =

\$

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

TOTAL NATIONAL FEE =

\$

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property

\$

TOTAL FEES ENCLOSED =

\$ 1,942.00

Amount to be
refunded:
charged:

\$
\$

a. ☒ A check in the amount of \$ 1,942.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 07-1730 in the amount of \$ to cover the above fees.
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
overpayment to Deposit Account No. 07-1730. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

CHURCHILL, Raymond B., Jr.
GOTTLIEB RACKMAN & REISMAN PC
270 Madison Avenue
New York, NY 10016-0601
US



SIGNATURE:

CHURCHILL, Raymond B., Jr.

NAME

44,617

REGISTRATION NUMBER

202070 4589660

Attorney's Docket No. 3869-24

IN THE UNITED STATES

☐ RECEIVING OFFICE (RO/US)
☒ DESIGNATED OFFICE (DO/US)
☒ ELECTED OFFICE (EO/US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/AU00/00411	05 May 2000 (05.05.00)	06 May 1999 (06.05.99)
TITLE OF THE INVENTION		

CONTROL OF SUPPLIED PRESSURE IN ASSISTED VENTILATION

APPLICANT

Michael BERTHON-JONES et al.

Box PCT
Commissioner for Patents
Washington, D.C. 20231
ATTENTION: DO/EO/US

**VERIFIED CERTIFICATION OF EXPRESS MAILING DATE
(INTERNATIONAL APPLICATION (37 CFR 1.10(c)))**

I declare that on 17 September 2001 I deposited with the United States Postal Service in an envelope "Express Mail, Post Office to Addressee", bearing Label Number EL 803334150US, addressed to the "Box PCT, Commissioner for Patents, Washington, D.C. 20231" and having an express mail certification which I executed, the following papers:

Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) concerning a filing under 35 U.S.C.371, duly executed; Copy of the published International Application; Copy of the International Preliminary Examination Report (3 pages); Information Disclosure Statement (2 pages), Form PTO-1449 (1 page) along with the copies of the references cited (3 items); Check for \$ 1,942.00 (filing fees); Preliminary Amendment (3 pages) along with Appendix 1 (2 pages); and Return Receipt Postcard

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18, of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Zoya V. Chernina
(Typed or printed name of person making this verified statement)

Date: 17 September 2001

Zoya Chernina
(Signature of person making this verified statement)

(Verified Certification of Express Mailing Date (International Application))

09936854.010202